

## CCRB INVESTIGATIVE RECOMMENDATION

|   |  |                           |  |   |                                 |
|---|--|---------------------------|--|---|---------------------------------|
| Investigator:<br>Emily Hainze                     | Team:<br>Team # 6  | CCRB Case #:<br>200708418 | <input checked="" type="checkbox"/> Force              | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|   |  |                           | <input checked="" type="checkbox"/> Abuse              | <input type="checkbox"/> O.L.                 | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Thursday, 06/14/2007 12:20 PM | Location of Incident:<br>Mother Gaston Boulevard and Pitkin Avenue | Precinct:<br>73           | 18 Mo. SOL<br>12/14/2008                               | EO SOL<br>12/14/2008                          |                                 |
| Date/Time CV Reported<br>Thu, 06/14/2007 12:15 PM | CV Reported At:<br>CCRB  | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Thu, 06/14/2007 12:15 PM |   |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |
|                    |      |              |
|                    |      |              |

| Subject Officer(s)    | Shield | TaxID  | Command |
|-----------------------|--------|--------|---------|
| 1. SGT Neil Prasad    | 02764  | 925940 | NARCBBN |
| 2. DT3 George Wolfrom | 06949  | 924633 | NARCBBN |
| 3. DT3 Steven Gansrow | 02866  | 928345 | NARCBBN |

| Witness Officer(s)      | Shield No | Tax No | Cmd Name |
|-------------------------|-----------|--------|----------|
| 1. POM William Warren   | 30397     | 933467 | NARCBBN  |
| 2. DT3 Christophe Lynch | 04775     | 913979 | NARCBBN  |
| 3. DT3 Douglas Williams | 05617     | 905296 | NARCBBN  |

| Officer(s)           | Allegation  | Investigator Recommendation |
|----------------------|---|-----------------------------|
| A.SGT Neil Prasad    | Abuse: Sgt. Neil Prasad authorized the stop of the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. |                             |
| B.SGT Neil Prasad    | Force: Sgt. Neil Prasad drew his gun.   |                             |
| C.DT3 Steven Gansrow | Force: Det Steven Gansrow drew his gun.   |                             |
| D.DT3 Steven Gansrow | Abuse: Det. Steven Gansrow frisked § 87(2)(b)   |                             |
| E.DT3 Steven Gansrow | Abuse: Det. Steven Gansrow searched § 87(2)(b)  |                             |
| F.SGT Neil Prasad    | Abuse: Sgt. Neil Prasad searched § 87(2)(b)   |                             |
| G.DT3 Steven Gansrow | Abuse: Det. Steven Gansrow searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.                |                             |
| H.DT3 George Wolfrom | Discourtesy: Det. George Wolfrom spoke obscenely to an individual.  |                             |

### Synopsis

On June 14, 2007, § 87(2)(b) and § 87(2)(b) called the CCRB to file a complaint about an incident that occurred on the same day. On that date, at approximately 12:20 PM, § 87(2)(b) was driving his vehicle at the intersection of Stone Avenue and Sutter Avenue in Brooklyn when a grey unmarked car in front of him stopped abruptly. Sgt. Neil Prasad and Det. Stephen Gansrow of the Brooklyn North Narcotics division jumped out of that car and had their guns drawn (Allegations A, B and C). The officers told § 87(2)(b) and § 87(2)(b) that they were narcotics detectives and that they had seen § 87(2)(b) perform a drug transaction. The officers also asked § 87(2)(b) and § 87(2)(b) for identification, which they produced. A white van pulled up behind § 87(2)(b) vehicle a few minutes after the stop occurred. Outside of § 87(2)(b) vehicle, Det. Gansrow frisked and searched § 87(2)(b) (Allegations D and E) and Sgt. Prasad searched § 87(2)(b) (Allegation F). Det. Gansrow searched § 87(2)(b) vehicle (a black Cadillac Escalade) (Allegation G). An extremely large crowd gathered to watch the car stop. Det. George Wolfrom told an unidentified individual to “get the fuck back” (Allegation H). The officers found no contraband in § 87(2)(b) car, and left the location without issuing any summonses or arresting § 87(2)(b) and § 87(2)(b).

§ 87(2)(g)

### Summary of Complaint

On June 27, 2007, § 87(2)(b) was interviewed at the CCRB (encl. 3A-3C). § 87(2)(g) in his initial statement, § 87(2)(b) did not allege that an officer pulled him out of his vehicle by his shirt, nor did he allege that officers pointed their guns as they initially approached his vehicle. § 87(2)(b) did allege that § 87(2)(b) was searched in his initial statement, which he did not in his CCRB statement. In his initial statement, § 87(2)(b) alleged that one officer gave his badge number, 2866 (determined to be the badge number belonging to Det. Gansrow), but refused to give his name, and alleged that Sgt. Prasad and Det. Wolfrom gave him their names. § 87(2)(b) is a black male who stands 5’8” and weighs 175 lbs. His statement is summarized as follows:

On June 14, 2007, at approximately 12:20 PM, § 87(2)(b) was driving his car, a Cadillac Escalade SUV, down Mother Gaston Boulevard in Brooklyn. § 87(2)(b) was sitting in the passenger seat of his vehicle. § 87(2)(b) was wearing a black jacket over a shirt and sweatpants. § 87(2)(b) was wearing jeans and a sweatshirt. The two had left the Galaxy Diner, located on Pennsylvania Avenue and Linden Boulevard, at 12:05 PM. § 87(2)(b) drove on Linden Blvd. turned right on Powell Avenue, turned onto New Lots Avenue and finally turned onto Mother Gaston Boulevard. § 87(2)(b) was on his way to pay his phone bill, the service for which was located at Pitkin Avenue, and then planned to drop § 87(2)(b) off at her home at St. Marks and Nostrand Avenues in Brooklyn. § 87(2)(b) noticed a dark grey Impala driving by his side in the other lane, but thought nothing of it and did not think it was a police vehicle. This Impala drove directly in front of § 87(2)(b) cutting in front of his vehicle. The grey Impala stopped abruptly in the middle of the street, and § 87(2)(b) stopped his Escalade as well. Two plainclothes officers with badges around their necks, identified by the investigation to be Sgt. Neil Prasad and Det. Gansrow, jumped out of the car, approaching § 87(2)(b) vehicle with their guns pointed towards the car.

§ 87(2)(b) put his hands up in the air because he saw that the officers had their guns out. Sgt. Neil Prasad approached § 87(2)(b) s passenger side, and Det. Gansrow approached § 87(2)(b) on the driver’s side. Det. Gansrow tried to open § 87(2)(b) door, which was locked. § 87(2)(b) rolled down his window (all the windows in the vehicle were rolled up for the air conditioning) and asked, “Is there a problem,

officer?" Det. Gansrow responded "Get out of the vehicle," and reached into the car through the window, pressing the unlock button, which unlocked the entire car. Det. Gansrow then took his hand out of the car and opened § 87(2)(b) car door. Det. Gansrow still had his gun pointed at § 87(2)(b) window as he unlocked the door, but he put the gun back in his holster as he opened the door. He grabbed § 87(2)(b) by the front of his shirt with both hands and pulled him out of the vehicle. § 87(2)(b) could not remember if he was wearing a seatbelt. § 87(2)(b) did not struggle; he was surprised, and continued to ask Det. Gansrow, "What is going on?" as he stood outside of the driver's door. Det. Gansrow pushed § 87(2)(b) against the back driver's door with both hands against his chest, so that § 87(2)(b) had his back on the car. Det. Gansrow told § 87(2)(b) that the officers had seen him make a drug transaction, and that they had been trailing him, and that § 87(2)(b) had been speeding on Stone Avenue. § 87(2)(b) repeated several times that the officers had the wrong vehicle. Det. Gansrow asked § 87(2)(b) where he was coming from. In the CCRB interview, § 87(2)(b) noted that he had not been involved in any drug transactions and had not interacted with any other individuals outside of his vehicle; he had not committed any traffic infractions to his knowledge.

When Det. Gansrow pulled § 87(2)(b) out of his car, a white unmarked van also pulled up behind § 87(2)(b) Escalade. § 87(2)(b) did not notice officers exiting this van. An officer, whom the investigation identified as Det. Wolfram, got out of this van as well, and joined Det. Gansrow on the driver's side of the car. Meanwhile, Sgt. Prasad was interacting with § 87(2)(b) on the passenger's side of the car. When Det. Gansrow unlocked the car, Sgt. Prasad also opened her car door, and told her to get out of the vehicle. He had put his gun in his holster as he approached her door. § 87(2)(b) complied and Sgt. Prasad did not make physical contact with her. Sgt. Prasad told § 87(2)(b) to open her jacket and then searched the inside pockets of her jacket. At this point, § 87(2)(b) was pulled out of the car, and could no longer see § 87(2)(b) over the car, since it is an SUV.

After pulling § 87(2)(b) out of the vehicle, Det. Gansrow pushed § 87(2)(b) against the back passenger's door with both hands. § 87(2)(b) back was against the vehicle. Det. Gansrow then grabbed § 87(2)(b) by his shirt again and pulled him by his shirt to the back of the vehicle, telling him to sit on his bumper. § 87(2)(b) complied, sitting on the bumper, and did not resist Det. Gansrow pulling him to the back of the vehicle. He was angry and puzzled about the officers' behavior, but he did not yell. § 87(2)(b) remained at the other side of the vehicle, and he assumed that she was standing by the front passenger's door. § 87(2)(b) could not see § 87(2)(b) from where he was sitting on the bumper (the back bumper, towards the driver's side of the vehicle), nor could he hear what officers were saying to her. Det. Gansrow then searched the car for five to ten minutes. § 87(2)(b) also could not see exactly where the officers were searching in his vehicle. During this time, people from local businesses (the block at which they stopped was commercial) came out of the stores to watch what was going on. There was a crowd of approximately 80 people, who stood on the sidewalk and did not interfere with the officers, although some people remarked "That ain't right," and "Can't black people have nice cars?" The officers did not pay attention to this crowd. While the officers searched the car, Det. Wolfram continued to question § 87(2)(b) as to what he was doing before he was stopped. Det. Wolfram also made fun of the white hairs in § 87(2)(b) goatee. § 87(2)(b) asked the officers, "Aren't you going to search me, too?" One of the officers (either Det. Gansrow or Sgt. Prasad), whose identity § 87(2)(b) could not recall and whose physical description he could not articulate, searched in § 87(2)(b) jacket pockets, removing money (a number of large bills – § 87(2)(b) could not remember the exact amount of money). The officer asked § 87(2)(b) why he had so much money, and § 87(2)(b) responded that he was a business owner. The officer did not find any contraband in § 87(2)(b) pockets. When the car search was completed, the three officers congregated over by the bumper where § 87(2)(b) sat. § 87(2)(b) told the officers that he was going to file a complaint and that he wanted their badge numbers. He did not address one officer in particular.

§ 87(2)(b) told the officers that he wanted their badge numbers; one officer gave his badge number, 2866, but did not give his name (the investigation determined that this officer was Det. Gansrow, using the identifying shield number). Sgt. Prasad and Det. Wolfram gave their names and shield numbers § 87(2)(b) provided the officers' names to the CCRB), and two officers ignored § 87(2)(b) request, although they were standing right next to him. These two officers did not have their shields out around their necks. § 87(2)(b) stated that he could not speculate as to whether those two officers heard his request for identification. § 87(2)(b) asked a man he recognized in the crowd (he didn't know his name) for a pen to write down the badge numbers, and when the man attempted to walk onto the street to give § 87(2)(b) a pen, an officer, identified to be Det. Gansrow by his badge number (which he provided to § 87(2)(b) verbally), yelled at the man, "Get the fuck back!" The man complied. Det. Wolfram told § 87(2)(b) "If

you're going to take my information, I'm going to take your information," and asked for § 87(2)(b) license. § 87(2)(b) did not see Det. Wolfram run a check on his license, and it was the only time when an officer asked for either § 87(2)(b) or § 87(2)(b) ID. He copied down § 87(2)(b) name and address onto the pad. At no point did any of the officers return to their vehicles, except to leave the scene. Sgt. Prasad received a call on his radio—§ 87(2)(b) couldn't remember what was said—and he told the other officers, "Come on, we got a call, let's go." The officers then left without issuing § 87(2)(b) or any other individual summonses. § 87(2)(b) did not see a third car at the scene.

### **Results of Investigation**

#### **Victim Statement:** § 87(2)(b)

On June 28, 2007, § 87(2)(b) was interviewed at the CCRB (encl. 4A-4C). § 87(2)(b) is a black female who stands 5'5" and weighs 217 lbs. § 87(2)(g)

On June 14, 2007, at approximately 12:00 PM, § 87(2)(b) and § 87(2)(b) were driving down Linden Avenue and turned left onto Mother Gaston Boulevard. Shortly after they turned onto Mother Gaston Boulevard, an unmarked grey car cut § 87(2)(b) and § 87(2)(b) off, pulling in front of them. An officer, identified to be Sgt. Prasad, also searched in § 87(2)(b)'s pockets. § 87(2)(b) asked Sgt. Prasad, "What is this about? What's going on?" Prior to being stopped, § 87(2)(b) and § 87(2)(b) did not interact with any individuals or take any bags from any individuals that might have seemed suspicious to officers prior to being stopped; they had only gone to a diner, at which time § 87(2)(b) went into the diner, got what § 87(2)(b) ordered from the diner, and then § 87(2)(b) got back into the car and began to drive.

Sgt. Prasad and Det. Wolfram first came up to § 87(2)(b) window; both officers had their guns drawn (not pointed). The officers then walked over to § 87(2)(b)'s side of the vehicle, and also opened her door. There was a bag of food sitting on § 87(2)(b)'s lap, and put the bag on the ground in the street. Sgt. Prasad reached in the bag, "swirling his hand around," after he placed the bag on the ground. § 87(2)(b) was wearing a white top, black jacket, flip flops, and grey sweatpants. Sgt. Prasad reached into § 87(2)(b)'s pockets and patted down her waistline. § 87(2)(b) was very nervous and shaking, as she had never been involved in criminal or police activity. The van showed up at the same time at the grey car. § 87(2)(b) could not remember which car the officers got out of. § 87(2)(b) could not recall which officer pulled § 87(2)(b) out of the car, stating that he was a white male.

§ 87(2)(b) reacted to the officers by asking them, "Why you doing this?" and did not struggle with the officers. The officers eventually told § 87(2)(b) to sit at the back of the vehicle. The officer that appeared to be Sgt. Prasad's partner, identified to be Det. Wolfram, told § 87(2)(b) that the license plates were expired at this point. Sgt. Prasad were looking in § 87(2)(b)'s purse, saying, "Let me see some ID." § 87(2)(b) did not have any identification, but gave the officers a utility bill with her name and address on it. Sgt. Prasad then said, "Let me see inside of your pockets." The officers did not go back to their vehicles or speak on their radios at any time, except when they were leaving the scene. Sgt. Prasad told § 87(2)(b) to sit on the bumper at the back of the car. § 87(2)(b) was sitting on the back of the car, as well, and looked at § 87(2)(b) gesturing, "Do you believe this?" The officers then searched the car, opening the front doors, and looking inside the car, and then opening the back doors, and looking in that area of the car as well. § 87(2)(b) could not recall which officers specifically searched the car. After the car search, § 87(2)(b) asked the officers for their identifying information; § 87(2)(b) did not remember which officers he asked or what their responses were.

#### **Field Work Conducted**

On September 17, 2007, the undersigned investigator canvassed the intersection of Mother Gaston Boulevard and Pitkin Avenue in Brooklyn. The individual spoke with store owners and employees at Negrito Wines and Liquor (369 Pitkin Avenue), a bakery at 372 Pitkin Avenue, a bike shop at 376 Mother Gaston Boulevard, La Palma restaurant at 371 Mother Gaston Boulevard, and a barber shop at 379 Mother Gaston Boulevard. No individuals recalled the incident or heard any mention of the incident over the summer or at any time. No one recalled an officer telling an individual in the crowd to "get the fuck back."

#### **Identification of Officers Interviewed**

Sgt. Neil Prasad and Det. Wolfram were identified through their names provided to § 87(2)(b) during the car stop. Det. Gansrow was identified through the shield number he provided. Det. George

Wolfrom, Det. Stephen Gansrow, Det. George Williams and PO William Warren were identified through the movement log for the Brooklyn North Narcotics 73<sup>rd</sup> Module; they were on duty at the time of incident and working with Sgt. Prasad.

**Subject Officer Statement: Sgt. Neil Prasad**

On October 19, 2007, Sgt. Neil Prasad was interviewed at the CCRB (encl. 5A-5F). Sgt. Prasad is a white male who stands 5'7" and weighs 195 lbs.

On June 14, 2007, Sgt. Prasad worked a 5:25 AM to 2:00 PM tour, and was assigned to Brooklyn North Narcotics, and was working as the 73 module sergeant. Sgt. Prasad was in a car with Det. Gansrow; this car was a blue Pontiac Grand Prix. In Sgt. Prasad's memo book, he recorded that at 12:00 PM, the team performed a car stop at Stone and Sutter Avenues. At 12:20 PM, a UF-250 was completed. Sgt. Prasad's CCRB statement is summarized as follows:

On June 14, 2007, Sgt. Prasad was in the vicinity of Linden Boulevard and Powell Avenue, which is known for crack sales. There was an officer at an observation post (referred to as an OP), Det. Williams, posted at Powell and Hegemon Avenues, observing drug activities at a particular house known for drug sales. A black Cadillac Escalade pulled up to the house, and a drug transaction occurred: an individual came out of the house, and handed a bag of what appeared to be crack-cocaine to the SUV's driver. Sgt. Prasad did not recall if Det. Williams described this bag to him. Det. Williams transmitted over the radio that a drug transaction had occurred; Sgt. Prasad did not recall the exact details of the call, or what the description of the vehicle was precisely. The vehicle then proceeded northbound onto New Lots Avenue. Sgt. Prasad believed that the SUV either had Florida license plates or another distinguishing characteristic on its license plate that made him sure that he had the right vehicle, and Sgt. Prasad began to follow the vehicle. The SUV was moving very quickly, "flying" down Stone Avenue, and making a right onto Sutter Avenue. The officers pulled the SUV over on Sutter Avenue and Stone Avenue, by cutting the vehicle off with their own vehicle, as they did not have a light or siren in their unmarked car. As the officers approached the SUV, Sgt. Prasad observed the driver and passenger passing objects back and forth; there was "definite movement" inside of the SUV. Specifically, the driver of the SUV was passing an object to the passenger. Sgt. Prasad could not tell what the object was, but based on his experience, he suspected the object was a gun, as the individuals would probably have already hidden the drugs in the vehicle; guns are always in a lungable area. Sgt. Prasad and Det. Gansrow pursued the vehicle for approximately two minutes.

The SUV was stopped in the middle of the street in a major intersection, which Sgt. Prasad noted was a more dangerous location to conduct the car stop, but because the length of the pursuit and the fast speed at which the SUV was moving, the officers wanted to stop the SUV as soon as possible, even in a busy location and at a tactical disadvantage for the officers. When Sgt. Prasad exited his vehicle, he went to the passenger's side of the vehicle. Sgt. Prasad initially had his gun drawn, but put his gun back in the holster when the passenger, who was a black female, identified by the investigation to be § 87(2)(b), put her hands on the dashboard. Sgt. Prasad drew his gun because he was investigating a drug transaction, and knew it likely that an individual in possession of drugs would also possess a weapon. Sgt. Prasad asked § 87(2)(b) to put her hands on the dashboard because she had a bag in her lap, and Sgt. Prasad suspected that there might be a weapon inside of the bag. Sgt. Prasad could not recall if the bag was paper or plastic. Sgt. Prasad told § 87(2)(b) to get out of the vehicle; she complied, opening the car door. There was a bag in § 87(2)(b)'s seat, in her "lungable area," according to Sgt. Prasad. Upon later examination by Det. Gansrow, Sgt. Prasad learned that this bag contained breakfast food. Sgt. Prasad did not know whether Det. Gansrow had his gun out, as he was on the other side of the vehicle.

Sgt. Prasad told § 87(2)(b) to walk to the back of the vehicle. Sgt. Prasad described § 87(2)(b)'s demeanor as "not happy" to be stopped, but generally calm. The male driver of the vehicle, identified to be § 87(2)(b), was interacting with Det. Gansrow at the same time Sgt. Prasad was interacting with § 87(2)(b). Sgt. Prasad could hear § 87(2)(b) yelling at Det. Gansrow, asking why they had been stopped; Sgt. Prasad thus described his demeanor as "irate." Det. Gansrow also instructed § 87(2)(b) to walk to the back of the vehicle. The officers did not frisk § 87(2)(b) as she did not have any visible bulges on her person. At the back of the vehicle, Sgt. Prasad walked over to § 87(2)(b) to attempt to calm him down and explain to him why he was stopped. Sgt. Prasad told him that he had been stopped because he was observed making a drug transaction in a drug prone location (he did not recall his exact words to § 87(2)(b)); § 87(2)(b) asked for Sgt. Prasad's badge number, which he provided to § 87(2)(b) writing it down on a piece of paper. § 87(2)(b) had a bulge on the possible right side of his waistband. Because of this bulge, Sgt.

Prasad conjectured that Det. Gansrow frisked § 87(2)(b). No contraband was found; § 87(2)(b) cell phone caused the bulge in his waistline. Sgt. Prasad did not recall whether § 87(2)(b) was searched; Sgt. Prasad recalled that § 87(2)(b) continued to yell throughout the interaction. Sgt. Prasad did not fill out a UF-250 for § 87(2)(b) another detective, whose identity Sgt. Prasad could not recall, filled out this form. Sgt. Prasad did not recall if he asked for § 87(2)(b) ID. No officers checked for warrants for § 87(2)(b) during the car stop. Sgt. Prasad did not recall whether § 87(2)(b) and § 87(2)(b) were handcuffed. Neither § 87(2)(b) nor § 87(2)(b) were issued summonses. A crowd formed because § 87(2)(b) continued to yell at the officers throughout the stop. Approximately twenty people were onlooking, as the car stop occurred on a busy corner. It appeared that § 87(2)(b) knew an individual in the crowd, but Sgt. Prasad did not recall what § 87(2)(b) was yelling to that individual. At no time did Sgt. Prasad or any other officer use obscene language toward § 87(2)(b) or § 87(2)(b). The second team car arrived at the location “within minutes.” The prisoner van arrived after § 87(2)(b) and § 87(2)(b) were outside of the vehicle, at the back of the SUV.

Det. Gansrow searched the vehicle by checking the vicinity of the front driver’s and passenger’s seats, in the lungable area, as there was a bag in § 87(2)(b)’s lap. Sgt. Prasad did not recall whether he instructed Det. Gansrow to search the vehicle. Sgt. Prasad was unsure whether Det. Gansrow searched in the back of the vehicle. Another factor that heightened the officers’ suspicion was § 87(2)(b)’s irate behavior, which in Sgt. Prasad’s experience was defensive and suggested that § 87(2)(b) might be concealing contraband. He did not recover any contraband in the vehicle. Det. Williams stopped at the location and verified that the vehicle was the one he initially observed. The driver and the passenger were then released and left the location.

#### **Subject Officer Statement: Det. Stephen Gansrow**

Det. Stephen Gansrow was interviewed at the CCRB. Det. Gansrow is a white male who stands 5’5” and weighs 270 lbs. § 87(2)(g)

On June 14, 2007, Det. Stephen Gansrow was working a 5:27 AM to 2:00 PM tour. Det. Gansrow was working with Sgt. Neil Prasad, and was on an apprehensive team. Det. Gansrow was wearing a t-shirt and jeans. Det. Gansrow was driving an unmarked silver Pontiac Grand Prix, number 9402. According to Det. Gansrow’s memo book, at 12:00 PM, the narcotics team made a car stop at Stone Avenue and Sutter Avenue. At 12:20 PM, two UF-250s were filled out for § 87(2)(b) and § 87(2)(b) [as noted in the police documents section, no records of these 250s exists].

At approximately 12:00 PM, Det. Gansrow and Sgt. Prasad were in the area of Linden Boulevard and Powell Avenue. They received a radio transmission from their observation team that a narcotics sale had just taken place. The radio transmission was of a “positive buy,” Det. Gansrow did not recall any more details of this transmission, besides the direction the vehicle was traveling (northbound on Stone Avenue). Det. Gansrow and Sgt. Prasad also received a transmission describing the driver as a “male black” driving with a “female black.” Det. Gansrow and Sgt. Prasad began to pursue a vehicle moving at a high speed northbound on Stone Avenue. Det. Gansrow put the vehicle description over the radio to the observation team, and the observation team confirmed that they were pursuing the correct vehicle. Det. Gansrow described the vehicle as a black “chromed out” SUV. Det. Gansrow and Sgt. Prasad were not able to immediately apprehend the vehicle, as it was moving at a relatively high speed. They pursued the vehicle for thirty to forty seconds. While the officers were pursuing the vehicle, Det. Gansrow did not recall seeing into the vehicle at all; he noted that it may have been raining that day, but could not remember the day’s visibility. The officers cut the vehicle off by pulling in front of it at the intersection of Stone Avenue and Sutter Avenue, boxing the vehicle in. The officers’ car was not equipped with lights or sirens.

Both Sgt. Prasad and Det. Gansrow got out of their car. Det. Gansrow had his gun drawn against his chest, and his shield was out around his neck. Det. Gansrow drew his gun because he feared for his safety, as they were conducting the stop in a drug and crime prone area, and the vehicle had been observed committing a drug transaction. Det. Gansrow focused on the driver of the vehicle, while Sgt. Prasad focused on the passenger of the vehicle. Det. Gansrow told the driver of the vehicle, identified to be § 87(2)(b), “Hands up, and out of the vehicle.” Det. Gansrow did not initially see § 87(2)(b)’s hands, and thus that was where his attention was focused (he feared for his safety). The windows of the vehicle were all closed. As § 87(2)(b) opened the door, Det. Gansrow also opened the door from the outside. By this point, Det. Gansrow had secured his gun back in its holster. § 87(2)(b) undid his own seatbelt and walked out of the car. § 87(2)(b) asked Det. Gansrow, “What is this about? What are you doing?” Det. Gansrow

replied, "Please, sir, we are conducting an investigation. Please come to the back of the vehicle." Det. Gansrow put his hands on the back of § 87(2)(b) arm and guided him to the back of the vehicle. § 87(2)(b) did not resist Det. Gansrow; he was "somewhat compliant" and did respond to Det. Gansrow's verbal commands. At the back of the vehicle, Det. Gansrow performed a full pat down of § 87(2)(b) and during this frisk, § 87(2)(b) was irate, telling Det. Gansrow, "This is bullshit, what the fuck is this about, what the fuck are you doing, I've got my rights." Det. Gansrow responded, "Sir, we are conducting a narcotics investigation, and I understand you're frustrated. If you could please give us a minute, we can continue the investigation, hopefully it comes to a positive fruition for you, and then we can be on our way." Det. Gansrow stated that § 87(2)(b) had a bulge in his waistband, which heightened his suspicion regarding weapons § 87(2)(b) might be carrying. Det. Gansrow did not use force against § 87(2)(b) at any time.

While Det. Gansrow was patting down § 87(2)(b) § 87(2)(b) also told Det. Gansrow "Go ahead and search me, I got nothing." Det. Gansrow asked § 87(2)(b) "Do you mean I can search in your pockets," and § 87(2)(b) replied, "Go ahead." Det. Gansrow performed the initial frisk because he was looking for narcotics; this is also why he performed the search. The bulge was actually § 87(2)(b) cell phone, which Det. Gansrow discovered upon searching him. Det. Gansrow suspected § 87(2)(b) had narcotics on his person because he had large quantities of money on his person. There were bulges on § 87(2)(b) right and left front pants pockets (an inch to two inches thick), and this is how Det. Gansrow discovered that § 87(2)(b) had large quantities of money on him. Det. Gansrow could not quantify how much money § 87(2)(b) had in his pockets; he could only describe it as "large quantities of money" in small denominations. Det. Gansrow did not recall finding other contraband in § 87(2)(b) pockets. § 87(2)(b) was not handcuffed. Det. Gansrow did not observe how Sgt. Prasad was interacting with the female passenger, identified to be § 87(2)(b) during the time that he was interacting with § 87(2)(b) outside of the SUV. He did not recall if Sgt. Prasad interacted with § 87(2)(b) Det. Gansrow noted that § 87(2)(b) was not speaking much. Det. Gansrow did not know whether Sgt. Prasad or any other officer frisked or searched § 87(2)(b) at any time.

Det. Gansrow could not recall whether the rest of the field team was present during the stop. He believed that the prisoner van at some point was parked behind Det. Gansrow and Sgt. Prasad's car. One officer, identified by the investigation to be Det. Wolfrom was out of the prisoner van, but Det. Gansrow could not recall whether he was interacting with § 87(2)(b) or § 87(2)(b) The observation vehicle was also on the scene briefly, but Det. Gansrow could not recall what those officers were doing. Det. Wolfrom watched § 87(2)(b) and Det. Gansrow searched § 87(2)(b) SUV. Det. Gansrow looked on the floor of the vehicle, in the seats, and looked inside of the console on the passenger's side. Det. Gansrow put his hands inside of the vehicle, making contact with the interior. The front driver and passenger doors were already open so that Det. Gansrow could look in the vehicle, and Det. Gansrow opened the back doors on both sides to look in the backseat to make sure there was no contraband thrown into the back of the car. There was a tin of food on the passenger's side of the car below the seat, in a bag; Det. Gansrow closed the tin and put it on the seat. He could not recall if the tin of food was inside a bag. Det. Gansrow decided to search the car because he received a transmission of a positive drug transaction, and he suspected that there were narcotics and weapons in the vehicle, as guns are equated with drug sales. The large quantity of money on § 87(2)(b) also raised Det. Gansrow's suspicion that he'd recently been involved in a drug sale and contributed to his decision to search the car. Det. Gansrow was the only officer who searched the car. Sgt. Prasad was still at the rear of the vehicle with § 87(2)(b) while Det. Gansrow searched the SUV. Sgt. Prasad may have also been talking to § 87(2)(b) at this point.

There were ten to twenty onlookers watching the car stop and search, and no one in the crowd was disorderly or had to be controlled by any officer. Det. Gansrow did not recall § 87(2)(b) interacting with any individual in the crowd. No officer used obscenity at any time. Before the team left, § 87(2)(b) asked Det. Gansrow for his name and shield number. Det. Gansrow told § 87(2)(b) his name and shield number. § 87(2)(b) was still irate about the stop, and asked Det. Gansrow to "give him a pen." Det. Gansrow told that he would not give him a pen, as it was not his responsibility to provide writing utensils, but he repeated his name and shield number for § 87(2)(b) Det. Gansrow could not recall how or if § 87(2)(b) wrote down this information. § 87(2)(b) asked other officers for their identification, but Det. Wolfrom could not recall which officers. Sgt. Prasad gave § 87(2)(b) his information and tried again to explain to § 87(2)(b) why the officers were performing their investigation. At no time did Det. Gansrow or any other officer use obscene language towards § 87(2)(b) Det. Gansrow filled out two UF-250s for the civilians that were stopped. Det. Gansrow did not remember anything significant about the SUV's license plate.

**Subject Officer Statement: Det. Douglas Williams**

On October 9, 2007, Det. Williams was interviewed at the CCRB (encl. 8A-8B). Det. Williams is a black male who stands 5'8" and weighs 160 lbs. His statement is summarized as follows:

On June 14, 2007, at approximately 12:30 PM in the vicinity of Mother Gaston Boulevard and Pitkin Avenue, Det. Williams was working a 6:00 AM to 2:00 PM tour. He was in the observation car with PO Warren; the OP car was a grey Pontiac with tinted windows. Det. Williams was dressed in plainclothes. Det. Williams did not bring his memo book to the interview.

Det. Williams was doing observation for any drug transactions in the area. Det. Williams and PO Warren were parked by elevated train tracks, approximately half a block away from the corner of Powell Street and Livonia Avenue. Det. Williams and PO Warren were using binoculars to observe the street. A large SUV truck, possibly a Cadillac Escalade, pulled up to a house on this intersection. Det. Williams observed a black male come out of the house with a large sum of money (which he described as a big wad) in his hand. Det. Williams and PO Warren were approximately half a block away from this man; Det. Williams observed this individual. The male walked around to the passenger's side of the vehicle and handed the money inside of the car (Det. Williams could not see who was in the car), reaching inside of the window. Det. Williams observed a small, clear plastic bag with a white rocky substance (he did not observe particular glassines) handed to the male through the window of the car (he could not tell who handed this bag to the male, and no one exited the vehicle). The officers did not take action towards the buyer.

Det. Williams sent a radio transmission to the team supervisor saying "we may have a potential customer," "transaction made" and gave the team the location which way the SUV was going (straight up Powell). Det. Williams gave a description of the vehicle to the supervisor, as well as a partial license plate number. Det. Williams was unable to see the whole plate because the SUV left too quickly for Det. Williams to observe it. The SUV "took off," driving quickly, and the officers in the chase car called over the location where they had stopped the SUV. Det. Williams and PO Warren waited at their observation post for the team to make arrests, however, when they made radio calls over to the rest of the team to check the status of the stop, they did not hear anything back from the team. Because they heard nothing from the team, Det. Williams and PO Warren drove over to the location where the SUV had been apprehended.

When Det. Williams and PO Warren arrived at the location, the rest of the team was present and in fine condition. Det. Williams and PO Warren stopped their car but never actually got out of their vehicle. When Det. Williams arrived at the location, he saw that the two team cars blocked the SUV. The team members were standing around the car (Det. Williams could not remember their exact positions). A black male was also standing outside of the SUV, yelling and being boisterous. Det. Williams described this male as tall, with dark skin. Det. Williams could not recall what the male was yelling. The man was standing by the rear of the SUV. Det. Williams could not recall whether there were any other civilians near the SUV. Det. Williams could not recall whether there was a crowd around the vicinity of the SUV. Det. Williams could not recall whether the car doors of the SUV were open. Det. Williams did not see officers searching inside of the vehicle. Det. Williams could not recall whether officers were searching the male who was standing outside of the car, and he did not believe that the officers made physical contact with the male. The officers were not trying to control the male. Det. Williams did not hear § 87(2)(b) ask for any officer's name or badge number. At no time did Det. Williams or PO Warren get out of the car; they paused by the team's cars for approximately thirty seconds and then drove away.

**Subject Officer Statement: PO William Warren**

On October 9<sup>th</sup>, 2007, Officer William Warren of the Brooklyn North Narcotics Division was interviewed at the CCRB (encl. 6A-6D). PO Warren is a black male who stands 5'7" and weighs 150 lbs. On June 14<sup>th</sup>, 2007 PO Warren worked from 5:35am to 2:00pm and was assigned to investigative activities for concerning known narcotics locations. PO Warren was working with Detective Douglas Williams and was assigned to an unmarked RMP that was a rental car. PO Warren was dressed in plain clothes. PO Warren's CCRB statement is summarized as follows:

On June 14<sup>th</sup>, 2007, PO Warren was assigned to work at an observation post, observing narcotics purchases, and relaying descriptions of the buyers and transactions to apprehension teams. PO Warren could not recall a physical description of § 87(2)(b) whom the investigator identified as the complainant in question.



PO Warren observed a vehicle pull up to a known drug location. PO Warren could not recall how far away exactly he was from the vehicle he was observing, but he believed that he and Det. Williams were using binoculars. At that time, PO Warren observed another individual (a black male) come out of a building and approach the driver's side window. The driver and the individual on foot conducted a hand-to-hand transaction in which the black male handed the driver a large sum of money in return for a package he could not describe. PO Warren believed that the driver had engaged in a narcotics transaction based on the conduct of the other individual before and during the transaction, as well as his four and half years experience in the field. He could not tell the specific denominations or sum of the money involved, but could infer that it was cash from its green color and size. At this point, PO Warren called out the vehicle information to the apprehension team, describing the vehicle. He did not recall exactly what he put over the radio. PO Warren stated that he would only put over relevant information concerning or indicating a narcotics transaction over the radio, including the vehicle's description. PO Warren explained that if he was in the situation on of being assigned to the apprehension team, he would at least stop and question the individual based on the radio run he gave for this incident. However, he emphasized that he could not speak for anyone beside himself, and he was not on the apprehension team that day. PO Warren emphasized that the location was a known drug location where undercover officers had previously made drug transactions.

PO Warren could not recall the make, model or color of the vehicle, but he did remember that it was a large vehicle. A few minutes after radio-ing in the transaction, PO Warren heard what he described as a commotion ("a lot of background noise") over the radio, and he and Det. Williams responded to the location communicated on the radio. PO Warren was concerned with the situation potentially getting out of control with residents from a near by housing project.

As they drove up to the scene of the traffic stop, they observed § 87(2)(b) standing outside the vehicle on the street side, cursing and screaming. PO Warren says he was saying, "You fucking assholes." PO Warren did not recall everything § 87(2)(b) said, but described him as very irate. PO Warren saw a black woman with § 87(2)(b) sitting in the car. The woman did not appear to be saying anything. PO Warren was working with a new team, so he did not remember which officers were on the scene, and he did not recall the number of the officers on the scene. PO Warren observed the responding officers talking to § 87(2)(b) and said that they were not yelling like he was.

PO Warren explained that he pulled his car up, and got out quickly to inquire if the responding officers were OK. He estimated that he was out of his vehicle for about a minute. He did not see any officers with there guns drawn, any officers searching § 87(2)(b)'s vehicle, or seeing § 87(2)(b) in handcuffs. He did not recall seeing any car doors of § 87(2)(b)'s vehicle open. There was a crowd in the location, but it was caused by regular commercial activity. The crowd was not directing their attention at the traffic stop. He did not hear any officers using obscene language, nor did he see any officer make any physical contact with § 87(2)(b) (including frisking or searching him).

PO Warren realized that there were already a sufficient number of officers at the scene, and it appeared that PO Warren and his partner were not needed to provide assistance, so they left. PO Warren did not receive any calls on the radio concerning the incident after he left, nor was he ever debriefed about the results of the car stop. He thought nothing of it. § 87(2)(b) did not ask for his name or badge number, and PO Warren didn't hear § 87(2)(b) ask for any other officer's information.

#### **Subject Officer Statement: Det. George Wolfrom**

On October 5, 2007, Det. George Wolfrom was interviewed at the CCRB (encl. 9A-9B). Det. Wolfrom is a white male who stands 5'10" and weighs 160 lbs. His statement is summarized as follows:

On June 14, 2007, Det. Wolfrom worked from 6:00am to 2:00pm. He was assigned to Prisoner Van with Det. Lynch. He read the following memo book entries into the record, "12:00 Leader car, car stop, Stone and Sutter. 12:20, 2 UF250's prepared § 87(2)(b) and § 87(2)(b). Negative results on the car stop. En Route to the 73<sup>rd</sup> Precinct." Det. Wolfrom testified that he did not personally prepare the UF-250 reports.

On June 14, 2007 Det. Wolfrom received a radio transmission from the leader car, possibly the supervisor or arresting officer, that there was a car stop on Stone Street and Sutter Avenue. Det. Lynch was driving the prisoner van with Det. Wolfrom in the passenger seat. Det. Wolfrom observed at the scene, there were two people present, a male and female. The male appeared upset and was yelling at people on the sidewalks. There were numerous people on the sidewalk, but Det. Wolfrom would not approximate how many were present. The female appeared nervous. The two civilians had been driving a black SUV. Det. Wolfrom observed that two officers, Det. Gansrow and Sgt. Prasad, were speaking to the male and

female near the SUV. Det. Wolfrom told the supervisor and the arresting officer that he would watch the male and female for safety.

Det. Wolfrom did not observe the male or the female searched. He did not observe Det. Gansrow or Sgt. Prasad make physical contact with the male or female. He did not know why the car stop occurred. He did not obtain more information as to why the car was stopped. He did not know if any contraband was recovered from the car. He did not search the car or see any officers search the car. He did not know of any officers who searched the car. He did not recall telling anyone at the scene, "Shut the fuck up." He did not hear any officer use obscene language at the time. He did not recall if the individuals at the scene asked him for his badge number. The investigator informed Det. Wolfrom that the complainant testified that Det. Wolfrom wrote down his name for him. Det. Wolfrom did not recall having done so. Det. Wolfrom did not observe any officers drag or pull the male or female during the car stop. He did not interact at all with the male or female, for example to obtain information about why they were stopped or where they were going. Det. Lynch did not exit the prisoner van.

### **NYPD Documents**

No summonses were issued to § 87(2)(b) or § 87(2)(b) likewise, there is no arrest paperwork. The UF-250 log for June 14, 2007 (encl. 10A-10B), reveals no UF-250 for either § 87(2)(b) or § 87(2)(b). The tactical plan for Brooklyn North Narcotics 73 Module on June 14, 2007 (encl. 11B), records that Sgt. Prasad and Det. Gansrow were assigned as team leaders and were driving a black Chevrolet. Team 1 was comprised of Det. Williams and PO Warren; they were driving a silver Pontiac. Det. Wolfrom and Det. Lynch were assigned to the prisoner van, which was a white Chevrolet. The location of Rockaway and Livona was listed as a location where crack and marijuana was sold; a "narco plan" was listed as the reason for deployment. The movement log for Brooklyn North Narcotics 73 Module (encl. 13A-13F) records that all officers were on duty and in their assigned vehicles.

### **Criminal Histories**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **CCRB Histories**

§ 87(2)(b) and § 87(2)(b) have not filed prior CCRB complaints.

Sgt. Prasad has no substantiated CCRB allegations from his eight years of service (encl. 1A-1F).

§ 87(4-b) § 87(2)(g)

Det. Gansrow has seven years of tenure in the NYPD (encl. 1A-1F). Det. Wolfrom has no substantiated CCRB allegations from his nine years of service (encl. 1A-1F).

## **Conclusions and Recommendations**

### **Officer Identification**

§ 87(2)(b) obtained Det. Wolfrom's badge number and Sgt. Prasad's name during the incident. The roll call and movement log for the Brooklyn North Narcotics 73<sup>rd</sup> Precinct module confirmed that Det. Wolfrom and Sgt. Prasad were working during this time, and provided names for the rest of their team members. Based on the tactical plan, however, the investigation clearly distinguished which officers first arrived on the scene, as both § 87(2)(b) and § 87(2)(b) submitted that an unmarked car pulled them over, and that the officers that initially approached them exited from this car. The occupants in this car were Det. Gansrow and Sgt. Prasad. Both Sgt. Prasad and Det. Gansrow asserted that Sgt. Prasad interacted with § 87(2)(b) on the passenger's side of the vehicle, while Det. Gansrow interacted with § 87(2)(b) on the driver's side of the vehicle. Det. Wolfrom and Det. Lynch were assigned to a white prisoner van; according to officer statements, Det. Wolfrom exited the prisoner van, while Det. Lynch remained in the van, which is also consistent with the number of officers § 87(2)(b) and § 87(2)(b) stated were outside of the van.

### **Undisputed Facts**

It is undisputed that Det. Gansrow and Sgt. Prasad pulled over § 87(2)(b) and § 87(2)(b) near the intersection of Mother Gaston Boulevard and Pitkin Avenue. It is undisputed that Det. Gansrow and Sgt. Prasad drew their guns in approaching § 87(2)(b) vehicle. It is undisputed that Det. Gansrow searched the vehicle. It is undisputed that Det. Gansrow frisked and searched § 87(2)(b). It is undisputed that no contraband was recovered from the car stop and search.

## Disputed Facts

§ 87(2)(g)

[REDACTED]

## Assessment of Evidence

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED] According to Sgt. Prasad, the leaders' car received a radio transmission from the observation post providing a description of the vehicle (a black Cadillac Escalade) and location, which they subsequently pursued at high speed for several blocks. Det. Gansrow, in the car with Sgt. Prasad, § 87(2)(g) stated that the initial radio transmission simply included the location of the vehicle, and when the lead car reached the location, the officers put over a description of the vehicle they were pursuing, which the observation team confirmed was the correct vehicle (Det. Gansrow also described the vehicle as a large, black SUV). § 87(2)(g)

[REDACTED]

(Sgt. Prasad stated that the observation team provided identifying details of the license plate, while Det. Gansrow could not recall whether they were given details of the license; Sgt. Prasad stated that he saw movement as if the driver and passenger were passing objects back and forth). § 87(2)(g)

[REDACTED]

§ 87(2)(g)

By all civilian and officer accounts, Det. Gansrow escorted § 87(2)(b) to the back of his vehicle, while Sgt. Prasad escorted § 87(2)(b) to the back of the vehicle. While § 87(2)(b) Det. Gansrow and Sgt. Prasad all stated that the two officers had their guns drawn upon approaching the car, § 87(2)(b) stated that their guns were pointed; § 87(2)(g)

Both Sgt. Prasad and Det. Gansrow stated that § 87(2)(b) had a bag of food on her lap (Det. Gansrow stated that this food was in a tin, rather than a bag, but regardless, it was in some type of container). Both § 87(2)(b) and § 87(2)(b) stated that Det. Gansrow grabbed § 87(2)(b) shirt and pulled him out of the vehicle; they both stated that Det. Gansrow reached into the SUV and pushed the “unlock” button, subsequently opening the door, grabbing § 87(2)(b) by his shirt and dragging him to the back of the SUV. While Det. Gansrow and Sgt. Prasad confirmed that Det. Gansrow brought § 87(2)(b) to the back of the vehicle, Det. Gansrow and Sgt. Prasad both denied that that Det. Gansrow used force against § 87(2)(b) stating that § 87(2)(b) yelled at the officers but did not struggle with them, and voluntarily exited the vehicle. § 87(2)(g)

§ 87(2)(g)

Both Det. Gansrow and § 87(2)(b) stated that Det. Gansrow both frisked and searched § 87(2)(b) moreover, § 87(2)(b) corroborated Det. Gansrow’s testimony that he invited the detective to search him, as he was certain that he did not have any contraband on his person. Both Det. Gansrow and Sgt. Prasad cited the same factors for frisking § 87(2)(b) (Sgt. Prasad witnessed this frisk): a bulge at his waistline, and suspicion of criminal activity as observed by the observation post. § 87(2)(g)

§ 87(2)(g)

Both Det. Gansrow and Sgt. Prasad denied frisking or searching § 87(2)(b) stating that they did not have enough reason to suspect that she was concealing contraband. While Det. Gansrow’s memo book entry states that UF-250s were filled out for both § 87(2)(b) § 87(2)(b) and § 87(2)(b) and Sgt. Prasad also stated in his interview that a detective filled out a UF-250 for § 87(2)(b) no UF-250s were on record for the incident. § 87(2)(g)

§ 87(2)(b) alleged that an officer, whom he could not describe told a male in the crowd (with whom he was acquainted, but whose name he did not know) to “get the fuck back.” All of the officers interviewed stated that no officers swore at any civilians, and specifically, those watching the car stop. § 87(2)(b) also did not allege that any officer used this obscene language. § 87(2)(g)

§ 87(2)(g)

[REDACTED]

Finally, as noted above, § 87(2)(b) did not allege that any officer refused to provide their names and shield numbers to § 87(2)(b) stating instead that § 87(2)(b) wrote down the information for Det. Wolfrom and Sgt. Prasad provided. Both Sgt. Prasad and Det. Wolfrom stated that they provided their identifying information to § 87(2)(b) while Det. Gansrow denied ever being asked for his information

§ 87(2)(g)

### **Allegations Not Pleaded**

§ 87(2)(g)

[REDACTED]

### **Allegation A: Sgt. Neil Prasad authorized the stop of the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

It has been established that as the team leaders, Sgt. Prasad and Det. Gansrow stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. As noted in the assessment of evidence, the officers assigned to the team's observation post observed a vehicle that matched the description of § 87(2)(b) black Cadillac Escalade conduct a drug transaction. § 87(2)(g)

[REDACTED]

According to Barry Kamins' *New York State Search and Seizure*, "a police officer can stop a car based solely upon the description transmitted, provided there is a sufficient degree of specificity in the information...when a police officer receives a general description of a car, e.g., color make and model, he can stop a car fitting that description which is seen in close proximity to the crime...A review of court decisions reveals that reasonable suspicion will generally be found when a vehicle, fitting a general description is seen within a half-hour after the crime and within a mile of the incident." The chase team was operating on the description of vehicle made through an official observation by an identified member of service stating that a vehicle fitting that description conducted a drug transaction. § 87(2)(g)

[REDACTED]

### **Allegation B: Sgt. Neil Prasad drew his gun.**

**Allegation C: Det. Stephen Gansrow drew his gun.**

According to Sgt. Prasad, Det. Gansrow, § 87(2)(b) and § 87(2)(b) initial statement to the CCRB, Det. Gansrow and Sgt. Prasad drew their guns while approaching § 87(2)(b) SUV. In his CCRB statement, § 87(2)(b) alleged that Det. Gansrow and Sgt. Prasad pointed their guns as they approached the vehicle. § 87(2)(g)

However, according to OATH case *PD vs. Gliner*, “The policy of the Department is that an officer can draw his firearm and point it at another person so long as he has a reasonable fear for his own or another's personal safety.... the Department permits an officer broad discretion to display his weapon whenever he feels that his life or the life of another is endangered.”

§ 87(2)(g)

PD vs. Gliner asserts, “due deference should be given to the judgement of the officer at the time and scene of the incident. The cases do not appear to make a distinction between the drawing of a firearm and the pointing of it in situations where drawing a gun was found to have been reasonable in ordering a person out of a car in the course of investigating a traffic infraction or criminal activity.” Furthermore, Barry Kamins’ *New York State Search and Seizure* also states that “Because the police normally face similar risk-producing circumstances in stopping cars involved in serious crimes, it can be argued that the police, as a matter of course, are permitted to draw their guns when approaching vehicles involved in serious crimes even where there is no evidence that weapons were used in the crime.” § 87(2)(g)

**Allegation D: Det. Stephen Gansrow frisked § 87(2)(b)**

**Allegation E: Det. Stephen Gansrow searched § 87(2)(b)**

**Allegation F: Sgt. Neil Prasad searched § 87(2)(b)**

It has been established that Det. Gansrow frisked § 87(2)(b) § 87(2)(g). Det. Gansrow stated in his CCRB interview that he suspected § 87(2)(b) might have a weapon, based on the bulge at his waistline. § 87(2)(g)

According to Barry Kamins’ *New York State Search and Seizure*, if in a car stop, the motorist exhibits “extreme nervousness, disorientation, or heavy breathing or sweating...the officer would be justified in frisking the defendant.” Furthermore, Kamins asserts that “If the officer makes an investigative stop, he can question the driver about the criminal activity upon which his reasonable suspicion is based...he is not permitted to frisk the driver or other occupants of a car unless he has a reasonable basis for suspecting that the individual is armed and may be dangerous.” § 87(2)(g)

§ 87(2)(g)

According to Kamins, “Aside from information received by the police, an officer’s own observations as he approaches a car can justify a

frisk of the driver or other occupants”: § 87(2)(g)

§ 87(2)(b) In his CCRB statement, § 87(2)(b) asserted that he told Det. Gansrow, “Aren’t you going to search me, too?” § 87(2)(g)

§ 87(2)(b) Det. Gansrow, submitted that § 87(2)(b) stated, “Go ahead, search me,” § 87(2)(g)

§ 87(2)(g)

**Allegation G: Det. Stephen Gansrow searched the car in which § 87(2)(b) and § 87(2)(b) were occupants.**

As established in the assessment of evidence, the chase team pursued and stopped § 87(2)(b) vehicle based on an official observation of a drug transaction made by the observation team. Det. Wolfrom and Sgt. Prasad had been informed by two officers that § 87(2)(b) had conducted a drug transaction in his vehicle, § 87(2)(g). In *New York State Search and Seizure*, Kamins cites *New York v. Belton*, which states that “incident to an arrest, the police may search the entire passenger compartment of an automobile (but not the trunk) as well as the contents or of any open or closed containers therein, including glove compartments, consoles, or other receptacles such as luggage boxes and bags.” § 87(2)(g)

According to Kamins, “While an arrest will normally precede or occur simultaneously with a [car] search, a search can be based upon facts that exist apart from an arrest...the proper inquiry is ‘simply whether the circumstances gave the officer probable cause to search the vehicle’” and Kamins goes on to define probable cause, listing instances such as when an officer “observes in plain view a quantity of drugs, a weapon, or evidence of a crime...when an officer observes a weapon in the waitband of an occupant...when the police develop information creating probable cause to believe there is evidence of a crime in the car even when the defendant is arrested outside of the car for an unrelated crime...if the police observe a vehicle, which matches the description of a ‘getaway’ vehicle used in a crime, they have probable cause to search the vehicle.” § 87(2)(g)

**Allegation H: Det. George Wolfrom used obscene language towards an individual**

Only § 87(2)(b) alleged that Det. Wolfrom told an individual in the crowd to “get the fuck back.” The remainder of civilian and officer testimony do not include this allegation. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: